

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-CV-576

United States of America,)
Plaintiff,)
)
v.)
)
The real property at 6698 Dam Cove Road,)
Conover, North Carolina, more particularly)
described in a Warranty Deed to Lake Hickory)
Holdings, LLC filed in Catawba County on)
July 7, 2015 at Deed Book 03297 Pages 1458-)
1459; and)
)
)
The real property at 8102 Evanston Falls Road,)
Huntersville, North Carolina, more particularly)
described in a Warranty Deed to 8102)
Evanston Falls Road, LLC filed in)
Mecklenburg County on April 1, 2016 at Deed)
Book 30708 Pages 157-158,)
Defendants.)

DEFAULT JUDGMENT

THIS MATTER is before the Court on the United States of America's Motion, pursuant to Fed. R. Civ. P. 55(b)(2), (Doc. No. 29), requesting that this Court enter Default Judgment as to the assets identified herein in this case. For good cause shown, this Court hereby GRANTS the Motion and FINDS AS FOLLOWS:

BACKGROUND

On October 26, 2018, the United States filed a Complaint, (Doc. No. 1), against the Defendant Real Properties captioned above. The Complaint alleged that the Defendant Real Properties were proceeds of wire fraud and conspiracy, and properties involved in illegal monetary

transactions, all such alleged offenses related to conduct by Robert Boston and Robert LaBarge, who were prosecuted and found guilty in *United States v. Boston, et. al.* (Case No. 3:17-cr-114).

Pursuant to Federal Rules of Civil Procedure, Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G(4)(a), for thirty days beginning on November 2, 2018, the Government provided Notice by Publication, (Doc. No. 11), of this action. Further, as set forth more fully in the Government's Notice of Service (Direct Notice), (Doc. No. 2), the Government mailed direct notice of the Complaint to the following individuals and entities:

- Caron Lee Boston;
- Justin Boston;
- Robert Boston;
- Lake Hickory Holdings, LLC
- 8102 Evanston Falls Road, LLC
- Kendall Mosing;
- Kyle Busch Motorsports, Inc.; and
- Counsel for the various entities and individuals.

Ultimately, only Caron Shettle (also known as Caron Boston), Justin Boston, Lake Hickory Holdings, LLC, and 8102 Evanston Falls Road, LLC filed Claims, (Doc. Nos. 3, 4, 5, and 6), and the parties settled those Claims via a Consent Order, (Doc. 24), that this Court entered.

Then, pursuant to agreement of the parties and Order, (Doc. No. 26), of this Court, the following funds were forfeited as a substitute *res* for the Defendant Real Properties in this case:

- \$357,602.47 was forfeited as a substitute *res* for the Lake Hickory (Conover, NC) Real Property; and
- \$330,000.00 was forfeited as a substitute *res* for the Evanston Falls Real Property.

Notice of forfeiture of the Defendant Real Properties for which these funds have been substituted has been properly published and directly provided, there are no claims remaining, and the time for filing claims has expired. Accordingly, the Clerk of Court has now issued an Entry of Default, (Doc. No. 28).

LEGAL CONCLUSIONS

Other than Caron Shettle, Justin Boston, Lake Hickory Holdings, LLC, and 8102 Evanston Falls Road, LLC, whose Claims have been settled, no other person or entity has filed a claim or answer for the properties within the time required by the Complaint, direct or public notice, or the Supplement Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions. Further, the Clerk has issued an Entry of Default. Under such circumstances, Rule 55(b) provides for Default Judgment.

IT IS, THEREFORE, ORDERED that:

1. The Government's Motion for Default Judgment, (Doc. No. 29), is hereby **GRANTED**; and
2. Any and all right, title, and interest of all persons in the world in or to the following property is hereby **FORFEITED** to the United States of America, no other right, title, or interest shall exist therein, and the United States is hereby directed to dispose of the forfeited property as provided by law:
 - \$357,602.47 in funds, forfeited as a substitute *res* for the real property at 6698 Dam Cove Road, Conover, North Carolina, more particularly described in a Warranty Deed to Lake Hickory Holdings, LLC filed in Catawba County on July 7, 2015 at Deed Book 03297 Pages 1458-1459; and
 - \$330,000.00 in funds, forfeited as a substitute *res* for the real property at 8102 Evanston Falls Road, Huntersville, North Carolina, more particularly described in a Warranty Deed to 8102 Evanston Falls Road, LLC filed in Mecklenburg County on April 1, 2016 at Deed Book 30708 Pages 157-158.

SO ORDERED.

Signed: August 6, 2019


Robert J. Conrad, Jr.
United States District Judge